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DEC 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Kuno et al.	:	
Application No. 10/003,349	:	DECISION ON PETITION
Filed: December 6, 2001	:	
Attorney Docket No. 10018402-1	:	

This is a decision on the petition filed April 9, 2009 to withdraw the holding of abandonment pursuant to 37 CFR 1.181(no fee).

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notification of Non-Compliant Appeal Brief mailed December 27, 2007, which set an extendable one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before January 27, 2008. A Notice of Abandonment was mailed on February 5, 2009.

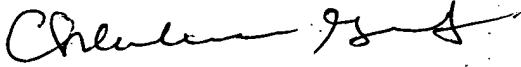
Petitioner asserts that the Notification of Non-Compliant Appeal Brief dated December 27, 2007 was not received because it was mailed to the incorrect address.

A review of the written record indicates a request to change the address to Mitchell Silverburg and Knupp, LLP was not requested by applicants. Thus, the Notice was mailed to the incorrect address. The change of address should not have been entered. Accordingly, as the Notice was mailed to an incorrect address, the holding of abandonment is withdrawn.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

This application is being referred to the Technology Center technical support staff of Art Unit 2453 for re-mailing the Office action of December 27, 2007 and resetting the period for reply.



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